UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte GERALD WINTON LANKFORD

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Appeal 2009-007949
Application 10/663,598
Technology Center 2600

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Before DAVID M. KOHUT, JASON V. MORGAN, and
BRUCE R. WINSOR, *Administrative Patent Judges.*

MORGAN, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Introduction

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-7, 9-11, and 13-20. We have jurisdiction under 35 U.S.C. § 6(b).

Exemplary Claim

1.   Apparatus for a radio communication system having a packet data network and multiple network portions, each of said network portions being connected to said packet data network by way of a respective gateway, said apparatus comprising:

a detector adapted to receive values of positional information associated with mobile nodes during operation thereof to communicate by way of said packet data network coupled by way of said respective gateway to each of said respective network portions in whose coverage areas that the mobile nodes, respectively, are positioned, said detector configured to form indications of the values of the positional information;

an associator adapted to receive the indications formed by said detector of the values of the positional information, said associator configured to associate positioning of each of the mobile nodes with a corresponding respective network portion, through which communications are effectuated, thereby to identify roaming relationships between each of the mobile nodes and the corresponding network portions when the mobile nodes are roaming; and

a storage element coupled to said associator, said storage element configured to store values representative of associations formed by said associator, the values together forming a roaming network table indicating the roaming relationships, the values forming entries, the

mobile nodes identified in terms of their respective home
network portions and individual ones of the entries given
less weight than other entries, without being detected,
when aged beyond a selected age, the roaming network
table accessible to identify the roaming relationships
identified therein, usable subsequently to determine
roaming capabilities of selected coverage areas of
selected network portions.

(App. Br. A-1; Claims App'x).

Rejections and Appellant's Contentions

Appellant contends that the Examiner erred in rejecting claims 1-7
and 9-11 under 35 U.S.C. § 103(a) as being unpatentable over Sanchez
Ferreras (US 20050118998 A1), Aerrabotu (US 20040190522 A1) and
Takubo (US 6,597,909 B1) (App. Br. 5-7).[1]

ISSUES

Appellant's arguments, as presented in the Appeal Brief, raise the
following issues:

1. Did the Examiner err in finding that the combination of Sanchez
Ferreras, Aerrabotu, and Takubo teaches or suggests giving individual
entries less weight than other entries, without being deleted, when aged
beyond a selected age?

2. Did the Examiner err in finding that the combination of Sanchez
Ferreras, Aerrabotu, and Takubo teaches or suggest communicating
positional information associated with mobile nodes by way of a packet data
network coupled by way of gateways to network portions?

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[1] Appellant's contentions with respect to the rejection of claims 13-20, also
rejected under 35 U.S.C. § 103(a) as being unpatentable over Sanchez
Ferreras, Aerrabotu, and Takubo, are substantially similar.

ANALYSIS

We have reviewed the Examiner's rejections in light of Appellant's arguments (Appeal Brief) that the Examiner has erred.

We disagree with Appellant's conclusions. We adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken and (2) the reasons set forth by the Examiner in the Examiner's Answer in response to Appellant's Appeal Brief. We concur with the conclusions reached by the Examiner.

(1) *Whether the Examiner erred in finding that the combination of Sanchez Ferreras, Aerrabotu, and Takubo teaches or suggests giving individual entries less weight than other entries, without being deleted, when aged beyond a selected age*

We are not persuaded by Appellant's arguments that Takubo fails to give individual entries less weight than other entries, without being deleted, and that Takubo uses relative ages and not a selected age. Appellant does not persuasively show any patentable distinction between giving an entry a lower priority and giving an entry less weight. Appellant also does not direct us to evidence that persuasively shows that a "selected age" must be absolute, as opposed to being an age selected from among those ages associated with the entries.

Takubo teaches prioritizing a priority table by a subscriber date, with the most recently accessed subscriber ranked higher than less recently accessed subscribers (col. 7, ll. 26-40; col. 7, l. 61-col. 8, l. 3; figs.12A-13C). Given that Takubo depicts entries being given lower priority (less weight) by rearranging their positions within the priority table, as opposed to deleting them from the priority table, we agree with the Examiner that

Takubo depicts giving individual entries less weight than other entries, without being deleted.

Takubo shows that when a subscriber is accessed, entries having an older access date than the subscriber's access date are given a lower priority (col. 8, ll. 6-9; figs.13A-B). That is, in Takubo the subscriber's access date is selected as the date that is used to provide lower priority to older entries. We find that this teaches or suggests the "selected age" recitation.

Accordingly, we are not persuaded of error with respect to this issue in the Examiner's rejections of claims 1-7, 9-11, and 13-20.

(2) *Whether the Examiner erred in finding that the combination of Sanchez Ferreras, Aerrabotu, and Takubo teaches or suggest communicating positional information associated with mobile nodes by way of a packet data network coupled by way of gateways to network portions?*

We are not persuaded by Appellant's argument that Aerrabotu does not teach or suggest a packet data network and gateway through which a detector receives positional information of a mobile node. Appellant's conclusory statements fail to persuasively show error in the Examiner's reliance on Aerrabotu's disclosure of Emergency Packet Data Network, Server GPRS Service Node, and Gateway GPRS Service Node, when combined with Sanchez Ferreras and Takubo, as teaching or suggesting these limitations (Ans. 6, 13).

We are also not persuaded by Appellant's argument that it would be improper to combine Aerrabotu with Sanchez Ferreras (and Takubo). The Examiner's findings show that packet data networks connected to multiple network portions by respective gateways were known in the art (Ans. 6, 13). Appellant's arguments fail to show that modifying the combined teachings of Sanchez Ferreras and Takubo to work with such networks would have

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been anything more than the use of familiar elements according to known methods to yield a predictable result. *See KSR Intern. Co. v. Teleflex, Inc.*, 550 US 398, 401 (2007).

Accordingly, we are not persuaded of error with respect to this issue in the Examiner's rejections of claims 1-7, 9-11, and 13-20.

CONCLUSIONS OF LAW

Based on the findings of facts and analysis above, we conclude that claims 1-7, 9-11, and 13-20 are unpatentable because the Examiner did not err in finding and concluding that:

1. the combination of Sanchez Ferreras, Aerrabotu, and Takubo teaches or suggests giving individual entries less weight than other entries, without being deleted, when aged beyond a selected age and

2. the combination of Sanchez Ferreras, Aerrabotu, and Takubo teaches or suggest communicating positional information associated with mobile nodes by way of a packet data network coupled by way of gateways to network portions.

DECISION

We affirm the Examiner's decisions rejecting claims 1-7, 9-11, and 13-20.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

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